

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PENNANT MANAGEMENT, INC.,

Plaintiff,

vs.

FIRST FARMERS FINANCIAL, LLC, et al.,

Defendants.

Case No. 14 CV 7581

Hon. Amy J. St. Eve

**ORDER GRANTING OVERALL RECEIVER'S AND  
CERTAIN DEFENDANTS' AGREED MOTION FOR ENTRY OF AN ORDER  
ESTABLISHING A PROTOCOL FOR THE RESOLUTION OF ANY CLAIMS TO AND  
THE DISTRIBUTION OF CERTAIN INTERPLEAD FUNDS**

Upon consideration of the motion ("Motion") of Patrick Cavanaugh, not individually, but solely in his capacity as Overall Receiver, and Defendants, Ankur Patel, Pinu Patel and Patel Construction, LLC (the "Patel Defendants"), requesting the entry of an order, pursuant to the Overall Receiver's and Certain Defendants' Agreed Motion For Entry Of An Order Establishing A Protocol For The Resolution Of Any Claims To And The Distribution Of Certain Interplead Funds (Dkt. No. 528)<sup>1</sup>; the Court having jurisdiction to hear and determine the Motion; and after due deliberation and consideration of the Motion, and there being good cause to grant the relief provided herein; it is ORDERED:

1. The Motion is granted.
2. The following protocol is hereby established for the resolution of any Claims to the Interplead Funds:
  - (a) On or before thirty (30) days following the entry of this Order (the "Initial Claim Filing Deadline"), any Named Defendant who believes in good faith that he/she/it has a right to some or all of the Interplead Funds, shall file a "Claim" that simply provides the name of the claimant and the amount of the Interplead Funds to which the claimant believes he/she/it is entitled. The Claim need not provide any factual or legal basis supporting the Named Defendant's right to some or all of the Interplead Funds;
  - (b) No later than forty-five (45) days following the Initial Claim Filing Deadline (the "Meet and Confer Deadline"), any Named Defendants who filed a "Claim" shall meet and confer, through counsel, and attempt to agree on a distribution of the Interplead Funds;

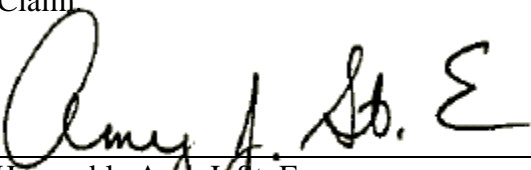
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<sup>1</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

- (c) If the Named Defendants who file a Claim can agree upon a distribution of the Interplead Funds, such Named Defendants shall file the appropriate Motion with this Court seeking the distribution of the Interplead Funds in accordance with the agreement reached between and among the Named Defendants (the "Agreed Motion for Distribution"). The Agreed Motion for Distribution shall be filed no later than fourteen (14) days following the Meet and Confer Deadline;
- (d) If the Named Defendants who file a Claim cannot agree to a distribution of the Interplead Funds on or before the Meet and Confer Deadline, then each Named Defendant who filed a Claim shall file a supporting brief (not to exceed seven pages) setting forth the factual and legal basis supporting the Named Defendant's Claim (the "Opening Brief"). Such Opening Briefs shall be filed no later than thirty (30) days following the Meet and Confer Deadline (the "Opening Brief Deadline");
- (e) Each Named Defendant shall have the opportunity to file a response brief (not to exceed seven pages) in opposition to any Opening Brief filed by another Named Defendant (the "Opposition Brief"). Any and all Opposition Briefs shall be filed no later than twenty-one (21) days following the Opening Brief Deadline (the "Response Brief Deadline");
- (f) Each Named Defendant shall have the opportunity to file a reply brief (not to exceed five pages) in further support of his/her/its Claim (the "Reply Brief"). Any and all Reply Briefs shall be filed no later than twenty-one (21) days following the Response Brief Deadline; and
- (g) After reviewing and considering the Named Defendants' respective Opening Briefs, Response Briefs and Reply Briefs, this Court shall schedule and conduct a Rule 16 status conference to determine what additional discovery and/or hearings are necessary, if any, for the Court to resolve any pending Claims and make a final ruling regarding the appropriate distribution of the Interplead Funds amongst the Named Defendants who filed a Claim.

Dated: October 6, 2015

Chicago, Illinois

  
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Honorable Amy J. St. Eve  
United States District Court Judge